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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,631	11/28/2001	Hideyuki Matsushima	05711.0131	7707

7590 11/14/2003

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EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant No.

09/994,631

Applicant(s)

MATSUSHIMA ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 10 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,944,072 to Robson. Robson discloses a snap fastener comprising a pair of snap elements (11, 12) capable of engaging with or disengaging from each other in an opposing direction, wherein the one snap element thereof has an engaging head (13, 23) provided protruded on a flat base plate while the other snap element has an engaging hole portion (14) provided in a flat base plate, with which the engaging head is capable of engaging, an attached body S (as shown in Fig. 15) being attached onto a base portion (11a, 12a) of each base plate, at least one of the snap elements having a grip portion (17, 17') while the other snap element having a receiving portion (defined as the proximal and distal end flanges of element 12) making contact (Figs. 1, 4 and 5) with the base portion of the one snap element and wherein one of the snap elements has the base portion protruded from an end of the base plate so as to have an L-shaped cross-section (defined by the downward extending base portion at a distal end of element 11) while the other snap element has the receiving portion provided at an end of the base plate so as to have a tongue-like shape .

Referring to claims 2 and 4, Robson discloses various forms of the grip portion as seen in Figs. 1-5, 6, 7, 9 and 11, being formed as a grip which is pressed to release the fastener parts and

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formed as shown in Fig. 11 as a grip lifted upward by a user. As shown in Figs. 1-5 and 9, element 11, is made integral with a base portion 11a, which includes a protruded portion (best seen in Fig. 2) that comes in contact with a receiving ledge of element 12 when the elements are fastened together.

Claims 8 and 11, Robson discloses that at least one of the base portions 11 includes an attaching portion having a slit for receiving and fixedly attaching the attached body there-to. See column 5, lines 33-55.

Claims 12-17, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,058,577 to Ida et al. Ida et al (Figs. 3-5) disclose a fastener comprising a plurality of pairs of snap elements capable of engaging with or disengaging from each other in an opposing direction, wherein one snap element (21a) of a pair of snap elements has an engaging head provided protrudedly on a base plate, while the other snap element (14) of the pair of snap elements has an engaging hole (14a) portion provided in another base plate (13a), with which the engaging head is capable of engaging, at least one of the snap elements having a grip portion (21b) while the other snap element has a receiving portion (14c, 13b) making contact with a base portion of the at least one snap element, and base portions of the base plates being attached on a pair of attached bodies (13, 21) at a predetermined interval such that they oppose each other.

Referring to claims 13-17, 19 and 21, as shown in Fig. 4, one of the pair of snap elements (21a) has a base portion protruding from an end of its flat base plate forming an L-shape in cross-section. A tongue-like receiving portion (13c) is disposed at an end of the other of the pair of snap elements.

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Gripping portions of the engaging heads are formed to protrude outward beyond an edge of the receiving portions of the other snap elements. The snap elements are integrally molded of a thermoplastic resin and disposed on the attachment bodies along an aligned centerline to orientate proper fastening positions.

Claim 19, snap element (14) includes an attaching portion (11a) and an attaching hole or slit to with the attached body (13) is sewn. See column 4, lines 56-65.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson and Ida et al in view of Goorhouse. Both Robson and Ida et al disclose all the limitations of the above claims except Robson and Ida et al does not disclose or suggest one of the snap elements including an attaching plate on the base plate having insertion holes through which the attached body is inserted. Goorhouse teaches a connector assembly including snap elements having attachment plates defining through holes attachable to strap members or attachment bodies. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the snap fastener of Robson and the fastener of Ida et al to

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include the attachment plate as taught by Goorhouse to provide a fastener having adjustable positioning engagement to an attachment body anywhere along its length to a desired tension.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson. Robson discloses that the pair of fastener elements is preferably made by extrusion of a thermoplastic resin, however, Robson fails to disclose that the fastener elements could be made by injection molding process. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the elements of Robson to be formed by an injection molding process, since the Examiner takes the position that injection molding, extrusion, ultrasonic welding and other bonding techniques are known equivalents for their use in the fabricating or molding art and the selection of any of these known equivalents to make fastener elements of a thermoplastic resin would be within the level of ordinary skill in the art.

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Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robson. Robson discloses that the attached bodies edges of a garment such as a jacket or fly to be fastened together, but Robson does not specifically disclose that the attached bodies include a plurality of snap elements disposed on the attached bodies at a predetermined interval such that they oppose each other, however it would be obvious to one having ordinary skill in the art that the edges or tapes of various jackets and fly's of pants, shorts, etc. include a plurality of snap elements disposed along the length of the garment to provide quick close and release fasteners to protect a wearer from water, wind or even exposure to sunlight.

Allowable Subject Matter

Claims 10 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Applicant's Arguments

Applicant's arguments filed in Amendment B on August 25, 2003 have been fully considered but they are not persuasive. In response to applicant's remarks on pages 9-11 that Goorhouse does not disclose or suggest all of the limitations of applicant's claimed invention, at the least, by the amendment to claim 1, Robson has been cited and is used to anticipate the limitations of applicant's claim 1 and subsequent depending claims.

In response to applicant's arguments on pages 11-13 of the above amendment that Ida et al does not disclose or suggest every limitation of applicant's previously presented claims, these

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arguments are found not to be persuasive. Applicant asserts on page 13, second paragraph, that at the least, Ida et al differs from applicant's claimed invention because claim 12 recites a plurality of pairs of snap elements with each snap element having a base plate. After carefully reviewing the claims, the Examiner is not able to found this specific limitation in applicant's claims as stated above. Although it may be inferred that each of the snap elements has a separate and or distinct base plate, applicant's claims do not specifically recite this argued point (see claim 12, lines 3-5). Applicant is reminded that claimed subject matter is given the broadest reasonable interpretation and Ida et al is interpreted by the Examiner to anticipate applicant's claims is written.

Moreover, even if applicant positively recited that the plurality of snap elements each has a base plate, Ida et al shows in an alternate embodiment, best seen in Fig. 11, in which the attachment structure of Ida et al's assembly can be modified to be made separable, since it has been held and is well known within the art that constructing a formerly integral structure into various elements involves routine skill in the art. Accordingly, claims 1, 2, 4-9, 11-19 and 21 are rejected in view of Robson or Ida et al and in combination with Goorhouse. Claims 10 and 20 are objected to.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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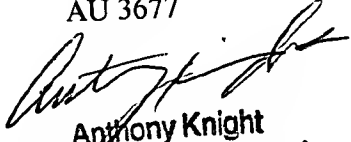
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

ALJ

André L. Jackson
Patent Examiner
AU 3677

Anthony Knight
Supervisory Patent Examiner
Group 3600